

Remarks/Arguments

In the April 28, 2005 final office action, claims 13 and 17 were objected to because they depend from cancelled claims.

In the April 28, 2005 final office action, claims 1, 2, 4, 6 and 8 were rejected under section 102(b) as being anticipated by Lurwig (US Patent No. 5,450,714). Claims 3 and 7 were rejected under section 103(a) as being unpatentable over Lurwig in view of Samejima et al '561 (US Patent No. 5,465,561). Claims 9, 10 and 13 were rejected under section 103(a) as being unpatentable over Samejima '561 in view of Lurwig. Claims 14, 15, 17, 18 and 20 were rejected under section 103(a) as being unpatentable over Lurwig in view of Samijima et al '855 (US Patent No. 4,936,885). Claim 19 was rejected under section 103(a) as being unpatentable over Lurwig in veiw of Samejima '885, and further in view of van der Lely '359 (US Patent No. 4,149,359).

In response to the objection, claims 13 and 17 are amended to depend from claims 9 and 14 respectively.

Claims 1, 9 and 14 are amended to better distinguish the patentable subject matter over the cited references.

Amended claim 1 is patentable over Lurwig. Claim 1 is amended to specify a gear box mounted to a mower deck of a riding mower, the gear box positioned between the mower deck and an operator platform and having a one-piece low-profile housing. Lurwig does not show a gearbox mounted to a mower deck of a riding mower. Lurwig does not show an operator platform. Instead, Lurwig relates to a rotary cutter that is pulled by a pulling vehicle such as a tractor. See column 3, lines 25-28. Lurwig's gearbox 21 is mounted (by bolts 36 through holes 37) to raised cross member 35 above deck plate 38. Lurwig's output shaft includes upper driven gear 43 and lower driven gear 44. See column 3, lines 58-62, and column 4, lines 7-10. With a pair of driven gears, Lurwig's gearbox 21 extends substantially above the deck surface. Lurwig does not suggest how it might accomodate an operator platform.

Claims 2-4 and 6-8 are patentable for at least the same reasons as claim 1.

Amended claim 9 is patentable over Samejima '561 in view of Lurwig. Samejima '561 does not show a removable cover with an inwardly extending collar

receiving and positioning a roller bearing to rotatably support the first end of the output shaft. Instead, Figs. 2 and 3 of Samejima '561 shows bearing holder 9 and bearing 9b below blade housing 1. Fig. 5 shows bearing 207 below blade housing 201. Samejima's stated objective is to provide a precise assembly of bearing holders with the bevel gear case. See column 1, line 59-column 2, line 4.

Samejima's objective would be defeated by the examiner's proposed combination of Samejima '561 and Lurwig. Samejima shows a bearing around the output shaft under deck 1, and Lurwig's bearings are located a considerable distance above deck surface 38. The examiner's proposed combination is improper because there is no teaching or suggestion or reason for it. Also note that Lurwig does not show a riding mower, and is not concerned with locating an operator platform over a mower deck.

Claims 10 and 13 are patentable for at least the same reasons as base claim 9.

Amended claim 14 is patentable over Lurwig in view of Samejima et al '885. Claim 14 is amended to specify a riding mower having an operator platform over a mower deck. Lurwig fails to show a riding mower with an operator platform over a mower deck, but instead relates to a rotary cutter pulled by a pulling vehicle such as a tractor. See column 3, lines 25-28. Lurwig's gearbox 21 extends well above the deck surface and does not suggest how the gearbox might accommodate an operator platform over the deck. Samejima et al '885 discloses transmission case 71 in Figs. 9 and 10 and column 6, line 65-column 7, line 26, but does not show the transmission case positioned between the mower deck and operator platform. Instead, Fig. 9 of Samejima '885 shows transmission case 71 to the side of vehicle body 1, and column 7, lines 23-27 states that the "transmission means is disposed outwardly of the link means 66...".

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

Application No. 10/763,706
Amendment Dated 06/28/2005
Reply to Office Action of 04/28/2005

Any fees or charges due as a result of filing of the present paper may be charged against Deposit Account 04-0525. Two duplicates of this page are enclosed.

Respectfully,



Attorney for Applicant(s)

Attorney for Applicant(s)

Stephen D. Dellett
Reg. No. 32,564
Patent Department
Deere & Company
One John Deere Place
Moline, IL 61265
Telephone No. (309) 765-4232

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
on: 4/28/05
Date

Deere & Company

Kelly M. Leary 4/28/05
Signature Date